

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
THURSDAY, JUNE 19, 2008 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:30 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Price, Mrs. Benedetti, Mr. Gonder, Mr. Messer, Mr. Zurschmiede and President Jeff Gahan. Mr. McLaughlin was absent.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Asst. Director of City Operations Matt Denison, John Rosenbarger and Scott Wood.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Price moved to approve the June 2nd work session minutes, Mr. Zurschmiede second, all voted in favor.

Mr. Coffey moved to approve the June 2nd public hearing minutes, Mr. Caesar second, all voted in favor.

Mr. Messer moved to approve the June 2nd regular meeting minutes, Mr. Zurschmiede second, all voted in favor.

Mr. Caesar moved to approve the June 19th work session minutes, Mr. Coffey second, all voted in favor.

Mr. Messer moved to approve the June 19th public hearing minutes, Mr. Caesar second, all voted in favor.

Mr. Gonder moved to approve the June 19th regular meeting minutes, Mr. Messer second, all voted in favor.

Mr. Coffey moved to amend the agenda to move the CF-1 forms, Mr. Price second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Mark Cassidy addressed the council regarding the redistricting ordinance. He stated that he felt that his integrity and intelligence was publically challenged in the newspaper. He stated that none of the six members that are affected by this ordinance even attended any of their public meetings and none of them contacted him to ask questions about the process. He expressed his concern for the fact that no one showed up for the meeting regarding this important issue and referenced the number of people that showed up to speak about the smoking ban. He stated that the committee is not out to hurt anyone and they cannot take into account where the current council members live, they were just told to condense them as much as they can and he was an independent person asked to serve on the committee and had nothing against any of the members and is appalled that his integrity was called into question.

Linda Moeller stated that she is here to discuss how this redistricting will affect the elections and to answer any questions they may have. She stated that she was provided with one of the pamphlets and saw that some of the precincts will be split but the population in these area is minimal but it does affect the elections.

Jeff Roudenbush stated that he went and picked up maps from the County Engineer and discussed with the council how the new plan breaks up the sense of community in the districts and he believes that is a huge detriment to the new plan. He stated that the council members have a personal relationship with the constituents and he thinks that is an important part of the community.

Lloyd Wimp 1834 E. Spring Street stated that he was one of the original members of the lawsuit. He informed them that if the council is concerned with following the law of one person one vote and the constitution of the United States they will pass this ordinance.

Jerome Hopper 217 W. 10th Street stated that he keeps hearing different stories that someone wants to buy his property as well as rumors that there is someone who wants to buy property in the West End for a hotel.

Mr. Gahan stated that he knows nothing about this.

Mr. Coffey stated that there was a developer that wanted to come down and buy up property for some type of proposal but he has been unable to get any answers on the subject. He suggested that they speak with Mr. Malysz or the Mayor. He stated that the neighborhood has had a lot of development and the only problems they have now are a couple of slum lords and the banks. He stated that they are trying to get a resolution passed to see if the Plan Commission can look at changing their zoning so that they will have some knowledge of what is happening in the area.

Mr. Gonder stated that he had a gentleman from that area call him as well asking whether the possibility of eminent domain was being offered. He stated that the City is not going to condemn the property.

Mr. Hopper stated that was what he heard is that they were going to condemn his property and they will pay him for it.

Mr. Gonder stated that was not going to happen.

Mr. Messer stated that he has heard that they have a developer that wants to drop a lot of money in the west end and his house could or could not be part of that but the City has nothing to do with it and it is up to the individuals to negotiate a price. He stated that it is a group of private investors that want to come in and change the look of the West End. He stated that his concern is that it is their property and they deserve to get as much out of it as they can and if they change zoning now he is not sure if it is going to make the property less or more valuable.

Mr. Hopper stated that he just wants to know what is going on and would like for someone to approach him and let him know.

Mr. Messer reiterated that there was an interested party in buying up property in the West End but it is up to the home owners whether or not they want to sell if an offer is made.

Mrs. Benedetti stated that they do not have to worry about eminent domain and it will be up to each home owner if they choose to talk to the interested party.

Rebecca Roy, 211 West 9th Street, stated that she owns three other properties in the west end and she is not only here for the redistricting but also the rezoning of the neighborhoods. She stated that there is so much confusion in their neighborhood as to what is going to be done or what is proposed to be done and there are so many individuals that have been there for years who have no desire to move. She stated that they have people being approached about selling property and it is pitting one neighbor against the other and she would ask the council or the mayor to put a stop to this. She stated that none of them want their neighborhood sold out.

Paul Haub addressed the council regarding the FOP 99 and stated that Chief Crabtree has a proposal before them that the membership agrees with and he hopes that they find a way to make these work in order to get new police officers on the street. He discussed scheduling issues that they are having within the police department and the funding they need to adequately do their job. He stated that the lodge asked that he reiterate their support for Chief Crabtree and for the proposals that he is going to bring before them tonight. He stated that if there is anything that the council needs from them as a whole they are at their disposal. He explained that last fall during contract negotiations during the Garner administration they had some problems with the contract and he promised the council that the membership was more than willing to take a progressive look at the contract to see if there are any changes that they can do to help out financially and they are currently in negotiations with Mayor England and they are going very well. He stated that he believes they have done exactly what they have promised and they are asking for more bodies rather than a pay raise. He stated that when he first became a police officer New Albany was the 4th highest paid in the State of Indiana and they have dropped to 40th in that last 5 years and if they sign this contract that they are currently working on two more agencies will pass them up and they are more than willing to make that sacrifice but they need the resources to do their job and he is asking that they make the investment into the department which will be an investment in the quality of life for the citizens of New Albany.

Ted Bailey, 10th and West 8th, discussed his displeasure with the developers that are trying to come in and buy up the west end property. He stated that these investors are proposing very low amounts for the homes in that area and it feels like they are trying to steal his home.

Mr. Messer stated that it was just an offer and no harm came to his property, he is still in control of his property and he will continue to do so. He asked if he knew what the changing in the zoning would do to his property.

Mr. Bailey stated that he spoke with Mr. Coffey about this and he doesn't think it will make the property any more valuable but it won't make it any less. He stated that he read that Mr. Messer and Mr. Caesar would like more information from the residents so they are here to let them know where they stand.

Mr. Messer stated that this is sufficient for him and if the residence are okay with it and they don't feel like it is going to hurt them then he doesn't have a problem with it. He stated that his only concern is their welfare and he would hate to see the rezoning hurt them and if it is going to he doesn't want it to take place.

Maurice King asked if they pass the redistricting when will it go into affect and he stated that if it is passed he would lose his councilman and wanted to know when and how that would be corrected. He expressed his concerns about where he will fall when the new districts are done because the individuals in the new district tend not to show up for elections and so he doesn't understand how the districts were drawn if they did so based on the voting population. He expressed his displeasure regarding what he heard about the local optional income tax and the sewer rate increase as well.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Price stated that he would like to respond to Mr. Cassidy's remark. He stated that he did tell the Courier Journal how he felt and it is his opinion and will not apologize for his remarks. He stated that he didn't attend the meetings because he believes that the committee is politically slanted with the exception of Mr. Gonder. He stated that he feels this way because last year the council voted to make this a decision that they make and it is set up by the state the same way for a good reason. He said if you have an outside committee that is made up from the community there is no way for it to not be biased, but if the council was in charge of it then they can hash it out amongst themselves. He stated that they came up with a plan to try and save the tax payers money by not breaking up the precincts with the stipulation that they could come back and do it later. He stated that it was voted down and Mr. Messer wouldn't let it die.

Jack Messer stated that the reason he pushed it so hard was that it was the right thing to do. He explained that they had 9000 people being represented by one council member and then 3000 being represented by another and those numbers simply are not equal. He stated that if it is not equal then it should be fixed and it should have been fixed before they even took office. He stated that there is nothing personal about this and the council did have a say but none of them showed up at the committee meetings to give their opinions or advice and that told him that the rest of them were okay with the committee doing the redistricting. He stated that they had plenty of time to voice their concerns before all of these individuals dedicated their time and effort and didn't charge the council anything for it.

Mr. Price asked Mr. Messer if he really believed that there was no politics involved in that committee.

Mr. Messer stated that there was no politics played in this committee except the politics for the people and not the politicians.

Diane Benedetti stated that yes they were invited to come to the meetings but that is why they formed the committee because they have so many other responsibilities. She stated that once the committee presents the proposal to them then it is up to the council whether or not to approve it.

Mr. Messer stated that was the point he was trying to make. It is not up to him, there is nothing personal about it, and it has no affect on him as a politician. He stated that he wasn't pointing fingers at the council members but if they had concerns they could have been at the meetings to voice those concerns.

Dan Coffey, informed the members of the west end that the Redevelopment Commission has worked very hard to get the money to fix up the sidewalks and the streets and when it is time for the Mayor to speak he would like for him to touch on that.

COMMUNICATIONS – MAYOR

Mayor England stated that he is very proud to see the citizens and the City leaders talking to one another about their concerns in a respectful manner. He addressed the concerns about street paving and explained the money that has been raised for this project. He assured them that they will continue to work to get the money to do as many streets as they can and informed the council of the up-coming paving schedule. He expressed his sympathy for all the problems that they are having with the issue of the redistricting but felt confident that they would be able to resolve it. He stated that he is very proud of the job that Chief Crabtree is doing and stated that he has been working with the unions and all these officers are asking for is someone to cover their backs. He stated that it seems that the proposed development in the west end is some big secret but it isn't, he explained that JW Lopp presented the city with what they would like to do and they were told to go do what they could do if they could acquire the property. He stated that if the residents do not want to sell then simply tell them no and the neighborhood will stay the same. He stated that it isn't going to be talked about tonight but there is a possibility of a sewer increase to meet the mandates of the EPA and this isn't to put any money in anyone's pocket. He stated that while he is here the City is going to move forward and will continue to do so while he is in charge. He stated that he is not proud of the way New Albany looks and he will work very hard to change that attitude even if he meets resistance he will still try to move New Albany forward and thanked Caesars for all the money that they have donated to help make this happen. He introduced Mr. Brad Kessans as the new Utility Director who will act as the buffer between the City and EMC.

Mr. Kessans addressed the council and thanked them for the opportunity to speak. He explained his vision for his position and discussed his relationship with the administration and EMC and pledged to do everything he can for the City. He presented the council with a briefing of key areas in need of immediate attention.

Mayor England stated that he will be having a public meeting at Jones A.M.E Church this Saturday at noon.

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

Carl Booth & Co., LLC, Compliance with
Statement of Benefits, Referencing R-99-03(RP), R-99-03(PP),

Mr. Price moved to approve, Mr. Caesar second, all voted in favor except Mr. Coffey who voted nay.

S & J Precision, Inc., Compliance with Statement
of Benefits, Referencing R-04-24, R-05-48(RE) & R-04-37(PP)

Tabled

Sunnyview, LLC, Compliance with Statement
of Benefits, Referencing R-01-09(RE)

Mr. Messer moved to approve, Mr. Price second, all voted in favor.

Tarco Investments, LTD, Compliance with Statement of
Benefits, Referencing R-04-07(RE)

Mr. Coffey moved to approve, Mr. Caesar second, all voted in favor.

Stephen Tilton, Compliance with Statement
of Benefits, Referencing R-00-45

Tabled

Accent Marketing Services, LLC with Statement
Of Benefits, Referencing R-07-41(PP)

Tabled

Metal Sales Manufacturing Compliance with
Statement Of Benefits, Referencing R-99-31(PP)

Tabled

Monroe Shine & Co., Inc., Compliance with Statement
Of Benefits, Referencing R-99-07(RE)

Tabled

Payne Sparkman, Compliance with
Statement of Benefits, Referencing R-98-23(RE)

Tabled

Riteway Industries, Inc., Compliance with Statement
Of Benefits, Referencing R-04-11(PP)

Mr. Price moved to approve, Mr. Zurschmiede second, all voted in favor.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:

READING

Mr. Coffey made a motion for the reading of R-08-35, Mr. Price second

Mr. Coffey stated that the petition that they received has been presented to them is only the property owners because there is not a mechanism for renters to have a say on zoning changes. He stated that there are people that wanted to make it to the meeting tonight that were not able to but this petition represents more than half of the people that own or are buying homes in this area.

Scott Wood stated that he just wants to be sure about the area that the council is asking the Plan Commission to rezone. He stated that in general this is an area that is bounded by W. Elm Street on the north, roughly W 5th Street on the east side, generally W. Main Street on the south side and Falling Run Creek on the West side. He stated that it is currently zoned R-4 multi-family, high density.

Mr. Coffey stated that the changes done over a period of time were done by PUD and the changes in zoning doesn't preclude that it just allows more information available to the people.

Mr. Caesar asked how this is different from the last one.

Mr. Coffey explained that the last resolution included 4th Street and this removes it.

Mr. Gahan asked if he was asking the council to make a recommendation to change the zoning.

Mr. Coffey stated that this sends the resolution to the Plan Commission.

Mr. Gahan asked if that was still possible if they struck item #1 in the resolution.

Mr. Coffey stated that if they strike it they can come back and make it commercial and that is not what the people are asking. He stated that this deal allows for development.

Mr. Gonder proposed that the resolution be changed as follows: The zoning status of the neighborhood as described is assessed to see if zoning changes are consistent with city-wide economic interest and consistent with economic social interests of the main neighborhood.

Mr. Coffey stated that he would not go along with the economic interest because of past situations and explained that this resolution protects the neighborhood and still allows economic development.

Mr. Gonder made the motion to amend the resolution, Mr. Price second, all voted in favor except Mr. Caesar who voted nay.

Mr. Gonder made a motion to pass R-08-35 as amended, Mr. Messer second, all voted in favor except Mr. Caesar who voted nay.

G-08-05 Common Council of the City of New Albany An Messer 1
Ordinance Amending Section 30.65 of the Code
Of Ordinances of the City of New Albany

Mr. Messer made a motion for the first reading of G-08-05, Mr. Caesar second, the motion was a tie vote with 4 aye votes and 4 nay votes.

Mr. Price stated that he thinks that if you want to do it fairly the whole council should be involved to eliminate the possibility of discrimination. He stated that he doesn't argue with the numbers but he thinks this would make the process fair.

Mr. Gonder stated that Mr. Roy Hardy and Mr. Mark Cassidy were excellent volunteers and he does not think that there was any malice involved in the redistricting. His main problem with the plan was pitting council members against one another and he has mentioned that to the committee. He stated that has a problem with not knowing if there is going to be an annexation anytime soon, however, he is ready to vote for this plan because it does meet their objective of getting the districts zoned equally but he would like to see if the administration is going to come forth with some type of annexation plan because he would back off of the vote in that instance.

Mrs. Moeller stated that she was with the committee and they went block by block and compared the numbers which was very time consuming. She stated that a lot of time and effort has been put into this process. She explained it that when she looks at it from a clerk's perspective and a voter's perspective and the concerns she has is the split of the precincts. She stated that the numbers are there and as close as they probably are going to get and if that is the objective then this is the best proposal. She stated that she believes 2009 would be a more appropriate time to redo the districts and get back on track.

Mr. Price asked Mr. Gonder if he remembered saying that it is like a deck of cards and it doesn't matter where you start, but you start at one point and go from there.

Mr. Gonder stated that he did say that.

Mr. Price stated that lead him to believe that he had some questions about it so he would like to know where the starting point was because from what he said about missing one meeting lead him to believe that he thought something was wrong.

Mr. Gonder stated that he has no proof that anything happened but he thought it could have been done.

Mr. Messer stated that for the starting point they went straight down Vincennes Street to the river which didn't include him. He stated that the golden number was 6325 and they went as far east as they could go while keeping within Vincennes Street and Charlestown road without splitting a census block.

Mr. Price asked Mr. Messer if at any time he heard anyone at these committees say that they were out to get someone or they were going to settle the score.

Mr. Messer stated that he never heard anything like that.

Mr. Gonder stated that there was nothing like that happening. He stated that what he said to Mr. Price that if there was a possibility of something like that being done that his the only way that it could be done.

Mr. Messer stated that he understand what the confusion is because Mr. Gonder missed the first meeting and he came in on the end of things but when they started the only think they were trying to do was get the numbers to match as closely as they could without splitting any of the census blocks. He stated that the numbers that they have are not going to be right because they are working from numbers off of the 2002 census.

Mr. Gahan stated that they could alleviate that problem by waiting until the new census comes out.

Mr. Coffey stated that two things concern him. One is that they are going to have an annexation and secondly they could wait until they come back with the new census but if they pass this it was said they can't redo this until after the 2012 election. He stated that this is what happens when you get people involved that aren't local. He stated that they know their constitutions and it was never taken into consideration that they were taking away their fair representation. He said whether they like it or not there are economic and geographical boundaries and they need to factor that in.

Mr. Gonder stated that it had gotten so far out of whack that it needed to be addressed and the only way to do that is to make them all equal.

Mr. Messer stated that he understands where Mr. Coffey is coming from about the community and he supports tight communities but it isn't about the politicians in New Albany. He stated that this is what has got New Albany in trouble and if they wait until after annexation they could lose more districts. He stated that Mr. Coffey, Mr. Price and even Mr. Caesar could be running against one another.

Mr. Coffey stated that if he didn't it, it would be without politics and without agendas and he thinks that some of those on the committee had an agenda.

Mr. Messer stated that they did exactly what he said, without politics or an agenda. He stated that they did exactly what the council was told to do which was bring in 6 equal districts for representation.

Mr. Zurschmiede stated that he tried to get the previous council to hire a demographics firm to do this so it takes all the pressures that they are feeling here tonight off of the council. He stated that it didn't happen due to the lawsuit and they ended up with the committee as it is. He stated they form that committee like Mrs. Benedetti said to delegate the workload that the council members have. He stated that every committee that he has been on since he has been a council member has met resistance from most of the other council members that did not sit on that committee or attend any meetings. He stated that the council members that are not on the committee never give the members that are on the committee any credit for doing anything right or fairly and they do nothing but accuse them of doing things unfairly. He stated that he for one is tired of being on these committees and working very hard to come up with a fair plan with every member of the committee being involved and as honest as they can possibly be only to be met with resistance. He stated that if they can't vote on this and approve it tonight they need to vote at the next meeting to hire a demographics firm to come up with a plan so that they can approve it and be done with it. He stated that they are just dragging their feet and they need to get this taken care of. He stated that if they have annexation they can change, they will have to change regardless.

Mr. Price stated that Mr. Zurschmiede has a very good point he just thinks the council should do it as a unit because that is what they are supposed to do.

Mr. Gahan stated that these things aren't easy and he thinks this is part of the process that they should be in the middle of. He stated that just because they haven't done it smoothly doesn't mean that they are not making progress. He stated that he doesn't approve of this plan but he doesn't think that they have hurt themselves by moving in this direction but can take what the committee has done and come up with a plan they can all agree on. He asked if Mr. Randy Smith was still in the building because he was the co-chair on this committee and he would like to hear what he has to say.

Mr. Gonder stated that if he were in Mr. Price's shoes in this situation he would probably feel like he was being targeted as well but there was nothing like that done on this committee. He stated that it would have been better had this been handled by other people.

Mr. Price stated that they are just getting different opinions on how this was done and it just doesn't sit right with him.

Mr. Messer stated to Mr. Price that nothing like that happened, and that he doesn't have a dog in this fight and the districts do not affect him one bit so he doesn't care if they accept it or turn it down but he wants to assure them that there was nothing personal about this plan to any of the council members.

Mr. Price stated that if he feels that way then why not just let the whole council be involved and do it that way.

Mr. Messer stated that the remaining 6 can fight it out because he is done with it.

Mrs. Benedetti state that this has to go for three votes so why don't they just vote now and they will have time to come back to it.

Z-08-13	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156, (Docket P-11-08: ERL Marine of Wilkins Real Estate Holdings)	Price 1
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Mr. Price made a motion for the first reading of Z-08-13, Mr. Coffey second, the motioned passed with 5 ayes and three nays from Mr. Caesar, Mr. Gonder and Mr. Messer.

Mr. Price stated that this received a positive recommendation from the Plan Commission.

Mr. Messer stated that he is not for killing anyone's progress but asked if this was similar to what they had out on Mt. Tabor Rd when they wanted to put a retail place into light industrial.

Mr. Wood stated that it has a land use variance for the tenants that are there now and the difference here is they are across the street from the old _____ which is a heavy industrial zoning district and they are on Charlestown Rd. so they have direct access to that road and have a great deal of buffer between them and the existing neighborhood behind it.

A-08-08	Additional Appropriation for the Law Grant Non- Reverting Fund for purchase of AFIS Machine	McLaughlin 2&3
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Mr. Price made a motion for the second and third readings of A-08-08, Mr. Zurschmiede second, all voted in favor. Bill A-08-08 became Ordinance A-08-25.

A-08-09	Additional Appropriation for Riverfront Heritage Non-reverting Fund	Messer 2&3
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Mr. Messer made a motion for the second and third readings of A-08-09, Mr. Price second, all voted in favor. Bill A-8-09 became Ordinance A-08-26.

Mark Cassidy addressed the council and apologized for his tone earlier but not necessarily what he said. He stated that his tone was not correct and he got carried away. He stated that he understood what Mrs. Benedetti said about them not coming to the meetings because of their busy schedule but if there are concerns with how the redistricting was done then they should be asking but if the questions are for any other reason then it is not necessary to call into question their motives. He stated that he is only given the opportunity to speak for five minutes at the beginning or end of the meeting and it is hard to talk about these issues in that small amount of time.

Mr. Messer thanked Mr. Cassidy for his time and effort on the committee.

Lloyd Wimp encouraged the council to proceed with this in a timely fashion. He explained that at the last meeting the council stated that they were going to start looking at housing issues and he wanted to know if that was still on the agenda.

Mr. Gahan stated that it is but he has not had an opportunity to speak to the members that will be on that board.

Mr. King asked again when the redistricting would be put into effect and how their council representative would be replaced. He stated that between now and the end of the vote whether it is passed or not he would like to have an answer to these questions.

Mr. Messer stated that nothing would change until the next city election which is 2011. He explained that Mr. King would still have the same council member and if it is passed it wouldn't go into effect until May of 2011. He stated that they would be replaced by someone from that district running and being elected just as before.

Mr. Gahan explained that he is planning to set up two committees and he hasn't had a chance to discuss it with potential members and he wanted to let the council members know that he would be getting with them in the next couple of days regarding this.

ADJOURN:

There being no further business to be heard, the meeting adjourned at _____ p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk